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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,794	10/11/2005	Klas Olofsson	P/1228-202	4510
2352	7590	07/12/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			NGUYEN, TU MINH	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/552,794

Applicant(s)

OLOFSSON, KLAS

Examiner

Tu M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20051011</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. An Applicant's Preliminary Amendment filed on October 11, 2005 has been entered. Claim 12 has been canceled; and claims 1-11 have been amended. Overall, claims 1-11 are pending in this application.

Claim Objections

2. Claims 7-11 are objected to because on line 1 of each claim, "device" should read --apparatus--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-7, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi et al. (U.S. Patent 4,916,897).

Re claims 1, 6, and 11, as shown in Figures 1-4, Hayashi et al. disclose an apparatus for containing a particle filter (74) for an exhaust system of a combustion engine (diesel engine) and a method for regenerating said particle filter, the apparatus comprising:

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- the filter (74) adapted to being regenerated by spontaneous combustion of particles accumulated in the filter;
- a silencer (10) which encloses the filter; and
- a bypass duct (33) via which exhaust gases from the combustion engine in operation are arranged to be led to bypass past the filter (74) when the counter pressure in the exhaust gases which is caused by the filter exceeds a set level (step 102 with YES answer and step 104), and the duct (33) leading the exhaust gases past the filter through a space (24) inside the silencer which encloses the filter.

Re claims 2 and 7, the apparatus and method of Hayashi et al. further comprise a valve (41) which is operable to open (step 104) when the counter pressure in the exhaust gases is above the set level (step 102 with YES answer), for leading exhaust gases from the combustion engine past the filter.

Re claims 4 and 9, the apparatus and method of Hayashi et al. further comprise at least one pressure sensor (78) for detecting the counter pressure, the sensor produces output signals which are operable for controlling the bypassing of the filter.

Re claims 5 and 10, as shown in Figure 25, the apparatus and method of Hayashi et al. further comprise a catalyst (201) and a device (41) operable for causing the exhaust gases to pass through the catalyst during bypassing of the filter.

5. Claims 1-3, 6-8, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al. (U.S. Patent 6,918,463).

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Re claims 1, 6, and 11, as shown in Figure 5, Takahashi et al. disclose an apparatus for containing a particle filter (6) for an exhaust system of a combustion engine and a method for regenerating said particle filter, the apparatus comprising:

- the filter (6) adapted to being regenerated by spontaneous combustion of particles accumulated in the filter;
- a silencer (1, 2) which encloses the filter; and
- a bypass duct (7) via which exhaust gases from the combustion engine in operation are arranged to be led to bypass past the filter (6) when the counter pressure in the exhaust gases which is caused by the filter exceeds a set level (lines 4-12 of column 4), and the duct (7) leading the exhaust gases past the filter through a space (4) inside the silencer which encloses the filter.

Re claims 2 and 7, the apparatus and method of Takahashi et al. further comprise a valve (9) which is operable to open when the counter pressure in the exhaust gases is above the set level (lines 4-12 of column 4), for leading exhaust gases from the combustion engine past the filter.

Re claims 3 and 8, in the apparatus and method of Takahashi et al., the valve (9) is operable to open because of the action of the pressure of the exhaust gases against a holding-back spring (lines 34-49 of column 3).

Prior Art

6. The IDS (PTO-1449) filed on October 11, 2005 has been considered. An initialized copy is attached hereto.

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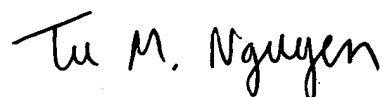
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of five patents: Priest (U.S. Patent 3,712,030), Howe et al. (U.S. Patent 4,961,314), Clerc et al. (U.S. Patent 5,052,178), Sheidler et al. (U.S. Patent 6,662,554), and Hirota et al. (U.S. Patent 6,588,203) further disclose a state of the art.

Communication

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tu Nguyen whose telephone number is (571) 272-4862.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas E. Denion, can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TMN

July 7, 2006

Tu M. Nguyen

Primary Examiner

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